

Appellant's Reply Brief on Appeal
Application Serial No. 09/987,404
(RYU.007)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Takeshi Kamio, et al.

Serial No.: 09/987,404

Group Art Unit: 1791

Filed: November 14, 2001

Examiner: John M. Hoffman

For: METHOD FOR SINTERING POROUS-GLASS MATERIAL, AND
METHOD FOR MANUFACTURING PREFORM AND OPTICAL FIBER

REQUEST FOR RECONSIDERATION OF APPELLANTS' REPLY BRIEF ON

APPEAL

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450
Box AF

Sir:

In Response to Appellants' Reply Brief, filed on June 30, 2008, the Examiner issued a paper indicating that the Reply Brief was not entered, for allegedly failing to comply with 37 C.F.R. § 41.41(a).

The Examiner alleged that the Reply Brief included new evidence. Specifically, the Examiner alleged, "[o]n page 3 of the reply brief – in Table 3 – there is an attempt to rely on proportions of prior art drawings. However, until, now Examiner was not permitted to use such as evidence." (See Patent Office Communication dated July 9, 2008). The Examiner, however, is clearly incorrect.

That is, the Reply Brief merely includes a discussion of the references applied by the Examiner. Specifically, Appellants provided a discussion of Ishikawa (U.S. Patent No. 5,306,322) in response to the Examiner's allegations.

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The Examiner alleges that the "Examiner was not permitted to use such as evidence."

The Examiner, however, applied Ishikawa and had every opportunity to use the drawings of Ishikawa as evidence.

Accordingly, Appellants respectfully submit that the Reply Brief should be entered and considered by the Board of Patent Appeals and Interferences.

Please charge any deficiencies and/or credit any overpayments necessary to enter this paper to Attorney's Deposit Account number 50-0481.

Date:

August 11, 2008

Respectfully Submitted,



Scott M. Tulino, Esq.
Registration No. 48,317

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254